

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

DAVID VANN,

Plaintiff,

-against-

CITY OF ROCHESTER, et al.,

Defendants.

**NOTICE OF MOTION FOR A  
PROTECTIVE ORDER**

**INDEX NO.: 18-cv-6464 (EAW)(JMP)**

PLEASE TAKE NOTICE that upon the annexed Declaration of Elliot Shields, duly sworn to on December 19, 2022, the attachments thereto, the Memorandum of Law filed herewith, and upon all the pleadings and proceedings heretofore had herein, the undersigned will move this Court before the Honorable Mark W. Pedersen, at the United States Courthouse, 100 State Street, Rochester, New York at a Motion Term hereof, on January 11, 2023 at 2:00 p.m., or as soon thereafter as counsel may be heard, for an order:

- a) Pursuant to Rule 26(c) for a protective order to prevent defendants counsel from making improper speaking objections during depositions in this matter; and
- b) Pursuant to Rule 26(c) to enter plaintiff's proposed protective order, which is annexed hereto as Exhibit "E".
- c) Granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to Rule 7(a)(1) of the Local Rules of this Court, the Plaintiffs intend to file reply papers and therefore, pursuant to Rule 7(b)(2)(B), the Defendants are required to serve responding papers, if any, at least seven (7) days prior to the return date of this motion.

Dated: New York, New York  
December 19, 2022

Respectfully Submitted,  
ROTH & ROTH LLP

By:           ~/s/~            
Elliot Dolby Shields, Esq.  
*Attorneys for Plaintiff*  
192 Lexington Ave, Suite  
802 New York, New York  
10016 Ph: (212) 425-1020

**TO:** All Parties (Via ECF)